

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
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UNITED STATES OF AMERICA,

Plaintiff,

v.

Kelvin Antonio BELTRAN-Lopez,

Defendant(s)

Magistrate Case No.

'08 MJ 0475


COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)  
Bringing in Illegal Aliens Without  
Presentation

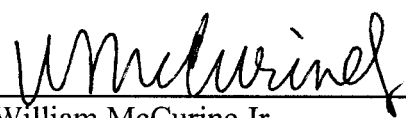
The undersigned complainant, being duly sworn, states:

On or about February 16, 2008, within the Southern District of California, defendant **Kelvin Antonio BELTRAN-Lopez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Antonio VENEGAS-Cervantes, Rolando CALDERON-Rosales, Jose Amparo BIRRUETA-Espinosa**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF February,  
2008

  
\_\_\_\_\_  
William McCurine Jr.  
UNITED STATES MAGISTRATE JUDGE

**AMENDED  
PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Juan Antonio VENEGAS-Cervantes, Rolando CALDERON-Rosales, and Jose Amparo BIRRUETA-Espinosa** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 16, 2008, Senior Patrol Agent S. Arroyo and Border Patrol Agent S. Waite were performing Border Patrol Operations in Tecate, California near the Ten Tower on the San Diego Gas and Electric Road. This area is approximately five miles east of the Tecate, California Port of Entry and one mile north of the United States/Mexico International Border Fence. Border Patrol Agents routinely position themselves in this area due to the high alien smuggling activity that occurs in the immediate proximity. State Route 94 is the major thoroughfare that runs east/west through this area and is a common corridor used by alien smuggling organizations in order to further the entry of their groups of illegal aliens into the United States.

At approximately 10:00 p.m., Agents Arroyo and Waite were alerted by the National Guard team, who was operating an infra-red night vision scope, to the presence of a large group of suspected undocumented aliens walking north east from the international border in this area. Agent Arroyo found footprints in the same area that the infra-red scope operator had observed the group of suspected illegal aliens, Agent Arroyo further observed the group's tracks moving east of her location. Agent Arroyo requested Sector Aircraft (OMAHA) to assist in locating the group. Agent Arroyo continued to follow the footprints, while OMAHA was flying in the area. At approximately 11:00 p.m., OMAHA spotted the group of eighteen subjects and directed Agent Arroyo towards their locations. Agent Arroyo found a group of eighteen individuals trying to hide in thick brush. Agent Arroyo identified herself as a United States Border Patrol Agent and questioned each individual, including one later identified as the defendant **Kelvin Antonio BELTRAN-Lopez**, as to their immigration status. All of the individuals including the defendant admitted to being citizens and nationals of Mexico illegally present in the United States without proper documentation allowing them to enter or remain in the United States legally. All individuals including the defendant were placed under arrest and transported to the Tecate, California Processing Center for interviews and further processing.

**DEFENDANT STATEMENT: Kelvin Antonio BELTRAN-Lopez**

The defendant was read his Miranda rights and was willing to answer questions without an attorney present.

The defendant stated that he has no legal immigration documents that will allow him to remain in the United States legally. The defendant stated that on February 17, 2008, he was going to get paid \$300.00 per alien he smuggled into the United States. The defendant stated that he has been a foot-guide for a few months. The defendant stated that he does not leave anyone that he smuggles behind and often offers the group a break before continuing. The defendant stated that he instructed the group to get down when they would see Border Patrol vehicle headlights. The defendant stated that on this occasion he only smuggled eight individuals and another foot guide took the rest. The defendant stated that he has been caught by the Border Patrol eight times before. The defendant stated that he was going to smuggle the group to Interstate eight and wait for a vehicle to pick them up.

RCS

## CONTINUATION OF COMPLAINT:

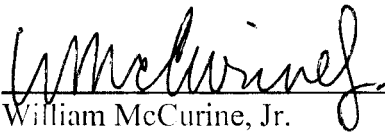
Kelvin Antonio BELTRAN-Lopez

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Juan Antonio VENEGAS-Cervantes, Rolando CALDERON-Rosales, and Jose Amparo BIRRUETA-Espinosa** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay \$1,300.00 to \$2,200.00 (US) to be smuggled to various parts the United States. All the material witnesses were shown a photographic line up and were able to identify the defendant Kelvin Antonio BELTRAN-Lopez as the foot guide of the group.



James Trombley  
Senior Patrol Agent



William McCurine, Jr.  
United States Magistrate Judge

2/19/08, 1035 hrs  
Date/Time

**CONTINUATION OF COMPLAINT:****Kelvin Antonio BELTRAN-Lopez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Juan Antonio VENEGAS-Cervantes, Rolando CALDERON-Rosales, and Jose Amparo BIRRUETA-Espinosa** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Sunday, February 17, 2008, Senior Patrol Agent P. Molina was performing Border Patrol Operations in Campo, California near an area commonly referred to as Castle Rock. This area is approximately 9 miles east of the Tecate, California Port of Entry and one mile north of the United States/Mexico International Border Fence. Border Patrol Agents routinely position themselves in this area due to the high alien smuggling activity that occurs in the immediate proximity. California State Route (SR) 94 is the major thoroughfare that runs east/west through this area and is a common corridor used by alien smuggling organizations in order to evade apprehension. Alien smuggling organizations also utilize SR-94 to further their illegal alien's entry into the interior of the United States.

At approximately 3:00 a.m., Agent Molina was alerted by Agent T. Chisholm who was operating an infra-red night vision scope to the presence of a large group of suspected undocumented aliens walking north east from the international border. Agent Molina found some footprints in the same area that the infra-red scope operator had observed the group of suspected illegal aliens, Agent Molina further observed the group as it moved east of his location.

Agent Molina positioned himself north of the group and waited for them to approach his location, the group spotted Agent Molina and began to run south toward the United States/Mexico International Boundary Fence. Agent Molina gave chase and was eventually able to apprehend 18 suspected undocumented aliens. Agent Molina identified himself as a United States Border Patrol Agent and questioned each individual, including one later identified as the defendant **Kelvin Antonio BELTRAN-Lopez**, as to their citizenship status. All of the individuals including the defendant admitted to being citizens and nationals of Mexico illegally present in the United States without proper documentation allowing them to enter or remain in the United States legally. All individuals including the defendant were placed under arrest and transported to the Tecate, California Processing Center for interviews and further processing.

**DEFENDANT STATEMENT: Kelvin Antonio BELTRAN-Lopez**

The defendant was read his Miranda rights and was willing to answer questions without an attorney present.

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Continuation of Complaint: 00475-WMC

Document 1

Filed 02/19/2008

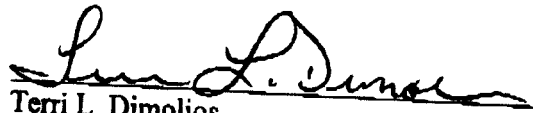
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Kelvin Antonio BELTRAN-Lopez


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Executed on February 18, 2008, at 9:30 a.m.

  
Terri L. Dimolios  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 17, 2008, in violation of Title 8, United States Code, Section 1324.

  
William McCurine, Jr.  
United States Magistrate Judge

  
Date/Time